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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,447	10/02/2003	Bruce Williams	10000-02 GRA-01A	7057
58898 7590 12/12/2008 LEMPIA BRAIDWOOD LLC 223 W. JACKSON BLVD. SUITE 620 CHICAGO, IL 60606				
EXAMINER GARRETT, ERIKA P				
ART UNIT 3636		PAPER NUMBER		
NOTIFICATION DATE 12/12/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/676,447

Applicant(s)

WILLIAMS ET AL.

Examiner

ERIKA GARRETT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-46 and 59-64 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 43-46 and 59-64 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on September 19, 2008, PROSECUTION IS
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by
signing below:

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “armrest includes holes for receiving protrusions from the receiving portion of the base”, “base includes a resilient tab” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43, 46, 59-61, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan (6,474,735) in view of Congleton (6,296,312). Carnahan disclose the use of a child seat (20) for seating a child within a vehicle, the child seat comprising:

a base (30) having a seating surface; an armrest (22) connected to the base on a side of the seating surface and positioned on the side of the seating surface; wherein the child seat has a belt path (112) configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle (figure 1 and 7); wherein the child seat is configured for placement on a seat of the vehicle.

4. Carnahan fails to show the use of the armrest is adjustable along a straight line between a first height position relative to the seating surface and a second height position relative to the seating surface; wherein the armrest includes only one connecting portion that slidably (fit) telescopes relative to a corresponding receiving portion of the base; wherein one of the receiving portion and the connecting portion includes a slot for receiving a tab attached to the a flexible portion located on the other of the receiving portion and the connecting portion.

5. Congleton teaches the use of the armrest is adjustable along a straight line between a first height position relative to the seating surface and a second height position (figures 1-2) relative to the seating surface; wherein the armrest includes only one connecting portion (12) that slidably (fit) telescopes relative to a corresponding receiving portion (60) of the base; wherein one of the receiving portion and the connecting portion includes a slot (75) for receiving a tab (86) attached to the a flexible portion located on the other of the receiving portion and the connecting portion.
6. Claim 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan and Congleton as applied to claim 43 above, and further in view of McAllister.
7. The Carnahan and Congleton fails to show the use of the receiving portion includes a second slot.
8. McAllister teaches the use of receiving portion includes a second slot (18).
9. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the receiving portion to include a second slot as taught by McAllister, in order to adjust the armrest for comfort.
10. Claims 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan in view of McAllister (6,394,553). Carnahan fails to show the use of each connecting portion includes first and second slots to receive the protrusion.
11. McAllister teaches the use of each connecting portion includes first and second slots (18) to receive the protrusion.
12. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the connecting portion with first and second slots as taught by

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McAllister, in order to adjust the height of the armrest to enhance the comfort of the occupant.

Response to Arguments

13. Applicant's arguments with respect to claims 43-46 and 59-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 3636

December 1, 2008

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636